



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 6, 1995

Mr. Harvey Cargill, Jr.
City Attorney
City of Abilene
P.O. Box 60
Abilene, Texas 79604

OR95-1354

Dear Mr. Cargill:

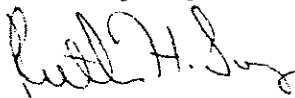
You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 35763.

The City of Abilene (the "city") received an open records request for a copy of the 9-1-1 calls regarding the shooting death of an individual. You have submitted for our review a tape of the requested telephone calls. You contend that the tape is excepted from required public disclosure by sections 552.101 and 552.108(a) of the Government Code.

Section 552.108 excepts from required public disclosure all information related to cases under active investigation, except certain basic information ordinarily appearing on the first page of an offense report and in other records of law enforcement. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). You inform us that the police are investigating the shooting death and that the 9-1-1 tape contains information important to the ongoing murder investigation. After reviewing the 9-1-1 tape you seek to withhold, we conclude that it is excepted under section 552.108. The city may withhold the requested tape from disclosure.

Since the information may be withheld pursuant to section 552.108, we do not address your section 552.101 argument. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 35763

Enclosures: Submitted 9-1-1 tape

cc: Mr. Andy Rothman
KTXS-NEWS 12
P.O. Box 29997
Abilene, Texas 79604
(w/o enclosures)